

1 GARNET E. BEAL, ESQ.
2 Nevada Bar No.: 12693
3 DIMOPOULOS INJURY LAW
4 6830 S. Rainbow Blvd., Suite 200
5 Las Vegas, NV 89118
6 O: (702) 800-6000
7 F: (702) 224-2114
8 gb@stevedimopoulos.com
9 Attorneys for Plaintiff

10
11 UNITED STATES DISTRICT COURT

12 DISTRICT OF NEVADA

13 BARBARA ANN ENGLISH, individually,

14 Plaintiff,

15 vs.

16 TIMOTHY ALAN BOWMAN, individually; J.B.
17 HUNT TRANSPORT, INC., a foreign
18 corporation; DOE INDIVIDUALS 1-20,
19 inclusive; and ROE CORPORATIONS 1-20,
20 inclusive,

21 Defendants.

22 CASE NO.: 2:19-cv-01176-APV-VCF

23 FIRST AMENDED COMPLAINT

24 Plaintiff Barbara Ann English, by and through her counsel, GARNET E. BEAL, ESQ. of the
25 DIMOPOULOS INJURY LAW, and for her First Amended Complaint against the Defendants, and
26 each of them alleges as follows:

27 GENERAL ALLEGATIONS

28 1. At all times relevant herein, Plaintiff Barbara Ann English("Plaintiff") is and was a
resident of Clark County, State of Nevada.

2. Upon information and belief at all times relevant herein Defendant Timothy Alan
Bowman("Defendant") is and was a resident of the State of California.

3. . .

4. . .

5. . .

6. . .

1 3. Upon information and belief and at all times relevant herein, Defendant J B HUNT
2 TRANSPORT,INC ("HUNT") is and was at all times relevant herein, a foreign corporation
3 authorized to conduct business and doing business in the State of Nevada. At all times relevant
4 to these proceedings, Defendant was an authorized agent and/or employee of Defendant HUNT
5 acting within the course and scope of his agency or employment.

6 4. The true names and capacities of Defendants named herein as DOES I through X,
7 and ROE BUSINESS ENTITIES I through X, whether individual, corporate, associate, or otherwise,
8 are presently unknown to Plaintiff, who, therefore, sues said defendants so designated herein is
9 responsible in some manner for the events and occurrences referred to herein alleged, and
10 Plaintiff will request leave of Court to amend this Complaint to insert the true names and
11 capacities of DOES I through X, and ROE BUSINESS ENTITIES I through X, when the same have
12 been ascertained and to join such defendants in this action.

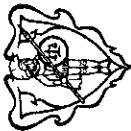
13 5. On or about June 14, 2018, Defendant was the operator of a 2015 International
14 Truck bearing Oklahoma license plate 2VG866 and was in the course and scope of his
15 employment with HUNT.

16 6. At all times relevant herein, HUNT is and was the owner of the vehicle operated
17 by Defendant. Defendant operated said vehicle with the full knowledge, permission and consent
18 of HUNT.

19 7. On or about June 14, 2018, Plaintiff was operating her 2014 Buick Encore
20 bearing Nevada license plate 064YXD northbound on Eastern Avenue, south of the IR215 on
21 ramp in the right turn lane in Las Vegas, Clark County, Nevada.

22 8. As Plaintiff's vehicle slowed for traffic, Defendant Bowman, who was traveling
23 immediately behind Plaintiff, failed to stop for traffic, failed to use due care and collided with
24 the rear of Plaintiff's vehicle, thereby causing injuries and damages to Plaintiff.

25 ...
26 ...
27
28



FIRST CLAIM FOR RELIEF
(NEGLIGENCE-DEFENDANT BOWMAN)

Plaintiff repeats and realleges the allegations contained in Paragraphs 1 through 8, as though fully set forth herein.

9. On or about June 14, 2018, the Defendant had a duty to operate his vehicle in a careful and prudent manner.

10. Defendant breached this duty when he operated his vehicle in a negligent, careless and reckless manner when he failed to pay full attention to driving and rear-ended Plaintiff's vehicle, thereby causing damages and injuries to Plaintiff.

11. By reason of the premises and as a direct and proximate result thereof, Plaintiff sustained injuries to her head, neck, back, bodily limbs, organs, and systems all or some of which conditions may be permanent and disabling in nature, all to her general damage in a sum in excess of \$15,000.

12. By reasons of the premises and as a direct and proximate result of the aforementioned, Plaintiff was required to and did receive medical and other treatment for her injuries received in an expense all to her damage in a sum in excess of \$15,000. Said services, care, and treatment are continuing and shall continue in the future, at a presently unascertainable amount, and Plaintiff will amend her Complaint accordingly when the same shall be ascertained.

13. Prior to the injuries complained herein, Plaintiff was an able-bodied person readily and gainfully employed and physically capable of engaging in all other activities for which she was otherwise suited.

14. By reason of the premises and as a direct and proximate result of the Defendants' negligence, Plaintiff has been required to and did lose time from her employment, continues to and shall continue to be limited in each of her activities and occupations which have caused and shall continue to cause Plaintiff's loss of earnings and earning capacity to Plaintiff's damage in a presently unascertainable amount. In this regard, Plaintiff asks leave of this Court to insert said amount when the same shall be fully ascertained.

15. Plaintiff has been compelled to retain the services of an attorney to prosecute
 1 this action and, therefore, entitled to reasonable attorney's fees and costs incurred herein.
 2

3 **SECOND CLAIM FOR RELIEF**
 4 (NEGLIGENCE PER SE-DEFENDANT BOWMAN)

5 Plaintiffs repeats and realleges the allegations contained in Paragraphs 1 through 15, as
 6 fully set forth herein.

7 16. Defendant had a duty to operate his vehicle in accordance with the traffic laws of
 8 the State of Nevada.

9 17. Defendant violated the laws of the State of Nevada by operating his vehicle in a
 10 negligent, careless and reckless manner, by failing to pay full attention to driving and thus, rear-
 11 ended Plaintiff's vehicle, thereby causing damages and injuries to Plaintiff. Thus, Defendant is
 12 negligent per se.

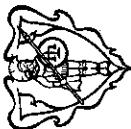
13 18. By reason of the premises and as a direct and proximate result thereof, Plaintiff
 14 sustained injuries to her head, neck, back, bodily limbs, organs, and systems all or some of
 15 which conditions may be permanent and disabling in nature, all to her general damage in a sum
 16 in excess of \$15,000.

17 19. By reasons of the premises and as a direct and proximate result of the
 18 aforementioned, Plaintiff was required to and did receive medical and other treatment for her
 19 injuries received in an expense all to her damage in a sum in excess of \$15,000. Said services,
 20 care, and treatment are continuing and shall continue in the future, at a presently
 21 unascertainable amount, and Plaintiff will amend her Complaint accordingly when the same
 22 shall be ascertained.

23 20. Prior to the injuries complained herein, Plaintiff was an able-bodied person
 24 readily and gainfully employed and physically capable of engaging in all other activities for
 25 which she was otherwise suited.

26 **THIRD CLAIM FOR RELIEF**
 27 (NEGLIGENCE ENTRUSTMENT-DEFENDANT HUNT)

28 Plaintiff repeats and realleges the allegations contained in Paragraphs 1 through 20, as
 29 fully set forth herein.



21. HUNT entrusted said vehicle to Defendant when they allowed him to drive said vehicle.

22. HUNT knew or should have known that the Defendant lacked the skill and necessary training in operating a motor vehicle entrusted to him. As such, HUNT knew or should have known of the significant hazards arising from the operating of said motor vehicle on public streets.

23. HUNT knew or should have known that the entrustment of said vehicle to Defendant would inflict damages to person and property using public streets, including Plaintiff.

24. HUNT had a duty to only trust said vehicle to qualified and competent drivers.

25. HUNT breached this duty when they entrusted the vehicle to Defendant.

26. By reason of the premises and as a direct and proximate result thereof, Plaintiff sustained injuries to her head, neck, back, bodily limbs, organs, and systems all or some of which conditions may be permanent and disabling in nature, all to her general damage in a sum in excess of \$15,000.

27. By reasons of the premises and as a direct and proximate result of the aforementioned, Plaintiff was required to and did receive medical and other treatment for her injuries received in an expense all to her damage in a sum in excess of \$15,000. Said services, care, and treatment are continuing and shall continue in the future, at a presently unascertainable amount, and Plaintiff will amend her Complaint accordingly when the same shall be ascertained.

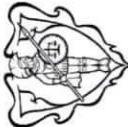
28. Prior to the injuries complained herein, Plaintiff was an able-bodied person readily and gainfully employed and physically capable of engaging in all other activities for which she was otherwise suited.

FOURTH CLAIM FOR RELIEF
(RESPONDEAT SUPERIOR-DEFENDANT HUNT)

Plaintiff repeats and realleges the allegations contained in Paragraphs 1 through 28, as if fully set forth herein.

29. HUNT entrusted said truck to Defendant in order to generate income and profits.

30. Defendant is and was an employee of HUNT and under the supervision and

DIMOPOULOS
INJURY LAW

6830 S. Rainbow Blvd. #200 • Las Vegas, NV 89118 • Phone: 702.800.6000 • Fax: 702.224.2114

1 control of TCWA at the time of the accident described herein.

2 31. At all times relevant herein, Defendant was acting within the scope and course of
3 his employment with HUNT at the time of the accident described herein.

4 32. By reason of the premises and as a direct and proximate result thereof, Plaintiff
5 sustained injuries to her head, neck, back, bodily limbs, organs, and systems all or some of
6 which conditions may be permanent and disabling in nature, all to her general damage in a sum
7 in excess of \$15,000.

8 33. By reasons of the premises and as a direct and proximate result of the
9 aforementioned, Plaintiff was required to and did receive medical and other treatment for her
10 injuries received in an expense all to her damage in a sum in excess of \$15,000. Said services,
11 care, and treatment are continuing and shall continue in the future, at a presently
12 unascertainable amount, and Plaintiff will amend her Complaint accordingly when the same
13 shall be ascertained.

14 34. Prior to the injuries complained herein, Plaintiff was an able-bodied person
15 readily and gainfully employed and physically capable of engaging in all other activities for
16 which she was otherwise suited.

17 WHEREFORE, Plaintiff Barbara Ann English prays for judgment on all claims for relief as
18 follows:

19 1. General damages in excess of \$15,000.00.
20 2. Special damages in excess of \$15,000.00.
21 3. Lost wages in an amount yet to be determined.
22 4. Costs of suit incurred including reasonable attorneys' fees.
23 5. For such other relief as the Court deems just and proper.

24 DATED THIS 10 day of July, 2019.

25 DIMOPOULOS INJURY LAW


26 GARNET E. BEAL, ESQ.
27 Nevada Bar No. 12693
28 6830 South Rainbow Boulevard, #200
Las Vegas, NV 89118